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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,216	12/06/2001	Koji Takahara	018656-254	4993
7590	10/17/2003		EXAMINER	
James A. LaBarre BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			CURTIS, CRAIG	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/003,216	TAKAHARA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Craig H. Curtis	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 December 2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 . | 6) <input type="checkbox"/> Other: _____                                    |

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## *DETAILED ACTION*

### *Receipt of Foreign Priority Documents*

- 1.** Receipt is acknowledged of foreign priority documents submitted under 35 U.S.C. 119, which documents have been placed of record in the file as Paper No. 2.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2.** Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the meaning of the phrase "...and the surface area of the quarter-wavelength plate functions as the diffraction element." cannot be ascertained. It is believed that Applicants intended to recite the following: "...and the surface ~~area~~ of the quarter-wavelength plate functions as the diffraction grating."

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### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 1, 2, 4, 6-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (JP362200320A) in view of Kimura et al. (5,590,942).**

Fukushima et al. discloses (see Fig. 1; also see ABSTRACT) the invention as claimed--[a] polarization conversion element/optical system for converting light having a nonuniform plane of polarization to light having a uniform plane of polarization, comprising:

a dielectric multilayer film (15) having a different incidence angle dependency relative to a first polarized light component and a second polarized light component which have mutually intersecting planes of polarization (inherent), so as to transmit the first polarized light component (i.e., P) and reflect the second polarized light component (S) at a first incidence angle, and transmit (however negligibly) the second polarized light component (S) at a second incidence angle (see Fig. 1);

a reflecting/diffraction element (11) for reflecting light entering the dielectric multilayer film at a first incidence angle;

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a wavelength plate (16) positioned: *medially* to said dielectric multilayer film and said reflecting element (as recited in independent claim 1: See Fig. 1), and *between* said dielectric multilayer film and said diffraction element (as recited in claim 6), including wherein the difference between said first incidence angle and said second incidence angle is 30<sup>0</sup> or less (see Fig. 1)--**EXCEPT FOR** an explicit teaching wherein said wavelength plate (16) is a quarter-wavelength plate, not a half-wavelength plate.

Kimura et al., however, explicitly teach wherein a quarter-wave plate (521 in Fig. 7) is disposed next to a reflecting element (plate 522). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the polarization conversion element/optical system of Fukushima et al. such that it comprise a quarter-wave plate, not a half-wavelength plate, for at least the purpose of producing a uniform plane of polarization.

With specific reference to the recitations in claims 6, 7, 12, & 13, the polarization conversion element/optical system disclosed by the combination and depicted (sans quarter-waveplate) in Fig. 1 of Fukushima et al. can be read as meeting both wherein said dielectric multilayer film, quarter-wavelength plate, and diffraction element are *integral* with another (in 10), wherein a substrate is disposed between said dielectric multilayer film and said diffraction element (see 14 in Fig. 1), and wherein said diffraction grating is formed in an element that is distinct from said [quarter-] wavelength plate (cf. elements 11 & 16 in Fig. 1).

With regard to claim 8, please see uppermost left-hand portion of Fig. 1 in Fukushima et al.--that is, where said reflective diffraction element (11) and waveplate (16) abut.

With regard to claim 14, please see planar mirror 522.

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**4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (JP362200320A) in view of Kimura et al. (5,590,942), as applied above to, inter alia, claim 1, and further in view of Wentz (4,515,441).**

The combination discloses the invention as set forth above **EXCEPT FOR** an explicit teaching wherein the transmittance of the first polarized light component at the first incidence angle of the dielectric multilayer film [incidentally, said first incidence should be associated with said first polarized with respect to said dielectric multilayer film, not with said dielectric multilayer film alone; i.e., said dielectric multilayer film does not--independent of an incident beam or ray of light--have an incidence angle] is 99% or higher, and the reflectivity of the second polarized light component at the first incidence angle is 99% or higher, and the transmittance of the second polarized light component at the second incidence angle is 95% or higher.

Wentz, however, provides a teaching wherein a dielectric multilayer optical polarizer (18) exhibits an efficiency of transmission of transmitted light is greater than about 95%, with the efficiency of reflection for the oppositely or orthogonally polarized light also being greater than about 95% (see col. 2, ll. 20-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the invention of the combination such that the transmittance of the first polarized light component at the first incidence angle of the dielectric multilayer be 99% or higher, and the reflectivity of the second polarized light component at the first incidence angle be 99% or higher, and the transmittance of the second polarized light component at the second incidence angle be 95% or higher,

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as suggested by Wentz, for at least the purpose of minimizing inefficient throughput associated with excessive absorption of light both transmitted through and reflecting off said dielectric multilayer film.

**5. Claims 5, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (JP362200320A) in view of Kimura et al. (5,590,942), as applied above to, inter alia, claims 1, 6, and 10, and further in view of Steiner et al. (EP 0471109 A1).**

The combination discloses the invention as set forth above **EXCEPT FOR** an explicit teaching wherein the said dielectric multilayer film comprises alternating layers of a first material containing  $\text{SiO}_2$  and a second material containing  $\text{TiO}_2$  and  $\text{La}_2\text{O}_3$ .

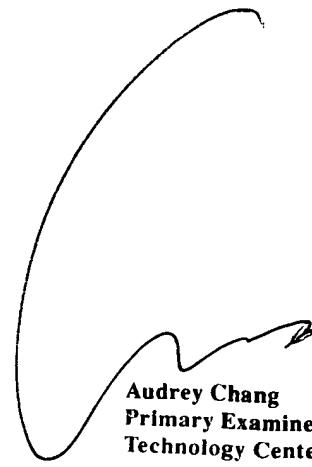
Steiner et al., however, disclose a layer (8 in Fig. 3B) containing various combinations of the oxides  $\text{SiO}_2$ ,  $\text{La}_2\text{O}_3$ , and  $\text{TiO}_2$ . It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the invention of the combination such that its dielectric multilayer film comprise alternating layers of a first material containing  $\text{SiO}_2$  and a second material containing  $\text{TiO}_2$  and  $\text{La}_2\text{O}_3$ , as suggested by Steiner et al., for at least the purpose of achieving a desired transmittance/reflectance performance from said dielectric multilayer film.

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### *Contact Information*

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Curtis, whose telephone number is (703) 305-0776. The facsimile phone number for Art Unit 2872 is (703) 308-7721.

Any inquiry of a general nature regarding the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-0956.



Audrey Chang  
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C.H.C.

Craig H. Curtis  
Group Art Unit  
29 September 2003